IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1714 of 2005

Between:

Ramchander Singh, (Freedom Fighter), S/o. Late Kishan Singh, R/o. H.No. 12-1-345/1, Asifnagar, Hyderabad

..... PETITIONER

AND

1 The APCPDCL., South Circle, Hyderabad, Rep. by Divisional Engineer, Distribution III, City IX, APCPDCL., South Circle, Seetharambagh, Hyderabad.
2 Assistant Engineer (ERO), Distribution-III, City IX, APCPDCL., Seetharambagh, Hyderabad.
3 Inspector General APTS (Transco), VI Floor, Vidyuth Soudha Bhavan, Khairtabad, Hyd.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Pass an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ or direction holding that the notice of disconnection issued by the Respondents no. F 06167 dt. 7.1.2005 without issuing any demand notice as required under section 24 of the Indian Electricity Act is malicious, arbitrary, illegal against the principles of natural justice & fair play and contrary to the provisions of section24 of the Indian Electricity Act and liable to the struck down.

Counsel for the Petitioner: MR.M.A.BARI

Counsel for the Respondents: MR.M.SREERAMULU REDDY, SC for APCPDCL

The Court at the admission stage made the following:

ORDER:

The petitioner states that he has been paying the consumption charges regularly. It is his case that even in the month of December, 2004, the bill amount was indicated as Rs.1,783/- and that it was paid on 28.12.2004. Petitioner complains that despite such payment, the respondents have disconnected the power supply without issuing any notice.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

From a perusal of the bill for the month of December, 2004, it is evident that the petitioner was required to pay a sum of Rs.1,783/-. The petitioner paid it on 28.12.2004. If the respondents are of the view that the power supply of the petitioner is to be disconnected for any reason, they are under obligation to intimate the petitioner of such reasons, by issuing a notice. Section 126 of the Electricity Act, 2003, prescribes the procedure for conducting enquiries and determination of the liabilities of the consumers. There does not exist any justification for the respondents to disconnect the power supply abruptly, without initiating any proceedings.

Hence, the writ petition is allowed and the respondents are directed to continue the power supply. It is however directed that they shall be entitled to disconnect the power supply, only in the event of the petitioner committing default in payment of consumption charges, or as a result of any proceedings initiated under the relevant provisions of law. There shall be no order as to costs.

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18.02.2005

Jsu
To

1 The APCPDCL., South Circle, Hyderabad, Rep. by Divisional Engineer, Distribution III, City IX, APCPDCL., South Circle, Seetharambagh, Hyderabad.

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